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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,771	11/09/2001	Akito Nakatsuka	723-1211	5627
27562	7590	01/09/2007	EXAMINER	
NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			PANDYA, SUNIT	
		ART UNIT	PAPER NUMBER	
		3714		
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/09/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	09/986,771	NAKATSUKA ET AL.
	Examiner Sunit Pandya	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6,8-14,16-27 and 38-44 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6,8-14,16-27 and 38-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

This action is in regards to the Request for Continued Examination (RCE) submitted by the applicant on October 12th, 2006. In the instant application, the applicant had amended claims 1, 2, 12-14, 25-27, 38, 40 and 42 and also added claim 44.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 12-14, 25-27, 38 and 42 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to clearly point on the meaning for the term "per predetermined unit", in the said claims. Through broadest reasonable claim interpretation the examiner interprets "predetermined units" as pre disclosed amount of scored based on the data stored in the gaming machines.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8-14, 16-27 and 38-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,371,850 to Sonoda in view of US Patent 6,315,668 to Metke et al.

Claims 1, 2, 6, 8, 12-14, 25-27, 34, 38, 40, 42 and 44: Sonoda describes a system and method for providing a competitive video game conducted between characters at networked game units (2:53-64). The system uses a plurality of interconnected game units, wherein each game unit has a display screen and means for a player to control actions of an on screen game character (2:65-3:13), operation switches operated by the player (6: 62-4, 7: 15-20). Sonoda discloses of the system communication interface, which provides data sharing between game units, wherein a first set of data is associated with a first game machine and a second set of data is associated with a second game machine. During competition conditions the game data will be synchronized between the game units to allow for proper game play (3:14-47). Sonoda also teaches of correlation evaluation means for evaluating correlation in terms of game operation with said other game machines based on the data stored in said first operation timing storage means and said second operation timing storage means [3: 48-67, wherein the game units also have determination means for determining awarded game points earned during the game competition (3:48-67). In one embodiment the

competition game is a fighting game wherein player timing within predetermined conditions determines game outcomes (10:6-19)]. Sonoda allows the gaming embodiment to be one on one, one against several, or several against several (10: 33-40). However Sonoda fails to teach of all the specific timing data details.

Metke, an analogous multiplayer system for networking games, discloses all of the specific timing data is disclosed in columns 1-9, specifically column 1, which discloses game synchronization between the gaming machines by communication means. Metke also discloses networking video games for real time interactive play (2:14-17), and also discloses bi-directional exchange of information (2:40-53). Metke allows for different types of games that can be implemented on different types of gaming machines (4:41-51). Columns 5-9 disclose all of the specific timing data used to exchange information. It would have been obvious to one with ordinary skill in the art at the time of the invention to have modified Sonoda with the synchronization and timing data disclosed in Metke in order to transmit proper data to each game machine.

Claims 3-5, 16-19, 29-32, 36-37, 39: Combination of Sonoda and Metke teaches of correlation evaluation means for evaluating timing based on operation storage means being a predetermined range (17: 26-56 and also Sonoda 10: 6-19).

Claims 9, 10, 20-23, 35, 41 and 43: Sonoda teaches of correlation evaluation means to be adjusted depending on timing difference between the operations stored in the storage section [players on plurality of gaming machines playing against each other, wherein the timing between the game slave and game master is synchronized and the two units start to execute the game program. In the

process of implementing the game program, each video game unit transmits data for the character corresponding to the player's control (col. 9: 48-55 and col. 10: 6-32, wherein the correlation in term of game operation with other game machine is based on the stored operation timing in each of the gaming machines)].

Claims 33: Sonoda teaches of operation timings of switches to be operated by the player (6: 62-4, 7: 15-20, wherein user input (using control lever/switches) based on the operation of the game). The combination of Sonoda and Metke also disclose the step of provided for setting at least one of the plurality of the operation timings based on said operation timing data, and storing step storing data relating to the operation timing (Metke discloses all of the specific timing data in columns 1-9, including memory used for storing step data, which depends on operation timing data, specifically, 8:52-63, 17:27-64, which discloses of operation to be operated by the player based on timing data).

Response to Arguments

Applicant's arguments filed 10/12/2006 have been fully considered but they are not persuasive.

The applicant argues that the combination of references does not teach or suggest "having, in response when the game is synchronously started, said display means display information about the operation timings of said operation switches to be operated by the player based on said operation timing data." The examiner respectfully disagrees with the applicant. Metke discloses all of the specific timing data in columns

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1-9, including the operation of a switch, which depends on operation timing data, specifically, 8:52-63, 17:27-64, which discloses of operation to be operated by the player based on timing data.

Regarding the applicant's arguments that reference of Metke does not teach, "about the operation timing of said operation switches to be operated by the player based on the operation timing data." The examiner respectfully disagrees with the applicant. The reference of Metke teaches of operation timing data as mentioned above, and Sonoda teaches regarding user input based on the operation of the game (see Sonoda col. 6: 62-4, 7: 15-20), wherein the combination of Sonoda and Metke would substantially teach all the claimed limitations.

Regarding the applicant's arguments that neither Sonoda nor Metke teach of operation timing of operating switches to be operated by the players, (wherein the player could be instructed as to when a user should operate the switches. The examiner respectfully disagrees with the applicant. Sonoda teaches regarding user input (using control lever/switches) based on the operation of the game (see Sonoda col. 6: 62-4, 7: 15-20), wherein the operation switches are to be operated by the users, and the reference of Metke teaches of operation timing data as mentioned above, wherein the combination of Sonoda and Metke would teach of player's ability to operate the operation timing switches.

The applicant argues that "there is no teaching of evaluating correlation in terms of game operation with said other game machine based on first and second stored operation timing." The applicant respectfully disagrees with the applicant. Sonoda

teaches of players on plurality of gaming machines playing against each other, wherein the timing between the game slave and game master is synchronized and the two units start to execute the game program. In the process of implementing the game program, each video game unit transmits data for the character corresponding to the player's control (col. 9: 48-55 and col. 10: 6-32, wherein the correlation in term of game operation with other game machine is based on the stored operation timing in each of the gaming machines).

The applicant argues that Sonoda's fighting video game characters are in direct competition with each other and that there is no team work or cooperation, thus fails to disclose correlation evaluation for evaluating correlation in terms of game operation with other game machines. The examiner respectfully disagrees with the applicant and would like to bring their attention to Sonoda, 10: 6-40, wherein the game is conducted on basis of stored data, and the parameter values relating to the competition results of the character operated at the video game unit are changed and stored in the SRAM, and the subsequent game is conducted on the basis of the stored data.

The above-mentioned rejection discloses all of claimed limitations, thus the rejection is maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP



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PRIMARY EXAMINER